

ARGUMENTS/REMARKS:

Reconsideration of the above-identified application is respectfully requested.

Initially, Applicant acknowledges with appreciation the telephonic interview of March 24, 2006 with Examiner Castellano, regarding the restriction requirement pertaining to claims 1-38.

In the interview, it was pointed out that the restriction requirement was imposed as the kit comprises two distinct major components (e.g. a topple resistant receptacle, and a paint can slot shield), each of which comprise differing sub-elements, and each of which support independent component claims apart from the kit. Applicant's Counsel suggested that in view of the restriction requirement, it would be appropriate to select claims 1-31 + 32 for examination and expedite same by amending independent claim 1 to delete reference to the slot shield as a specified component, and by amending claim 14 to introduce the slot shield. Such amendment would not only expedite prosecution of claims 1-32, but would also enable the maintaining of logical limitations to the search and examination.

The Examiner indicated that such amendment appeared appropriate and in accord with the restriction requirement; Applicant has amended generic claim 1 to exclude reference to the paint can slot shield, and Applicant selects examination of claims 1-31 + 32 as amended. It is submitted that the amendments to claims 1 and 14 removes the predicate upon which the restriction was based and advances the prosecution of claims 1-31 + 32 in this application.

Further in the interview, it was also pointed out that an election of species requirement imposed through FIGS 1 and 4, sets out as differing species of topple resistant receptacle component a first species wherein the paint can securing means is round; and

a second species wherein the paint can securing means is polygonal.

For purposes of advancing prosecution, Applicant selects the species depicted in FIG 1.

In view of the foregoing it is submitted that the kit as presented in claims 1-31 + the topple resistant receptacle of claim 32 are in condition for examination.

Respectfully submitted,

CROSSETTA & ASSOCIATES



William J. Crossetta, Jr.
Reg. No. 25790
905 Convention Towers
43 Court Street
Buffalo, New York 14202

Tel: (716) 852-3935
Fax: (716) 852-3935

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